

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

AmGUARD INSURANCE COMPANY,

Plaintiff,

vs.

COUNTRY PLAZA ASSOCIATES INC.  
d/b/a COOL FISH RESTAURANT, TOM  
SCHADEL, COOL FISH COMPANY, INC.  
and MARK SCORDO,

Defendants.

**Docket No.: CV-13-5205 (JFB)**

ECF Case

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**DEFENDANTS COUNTRY PLAZA ASSOCIATES INC. D/B/A COOL FISH  
RESTAURANT'S, TOM SCHADEL'S, AND COOL FISH COMPANY, INC.'S  
RESPONSE TO PLAINTIFF'S LOCAL CIVIL RULE 56.1 STATEMENT IN SUPPORT  
OF ITS MOTION FOR SUMMARY JUDGMENT**

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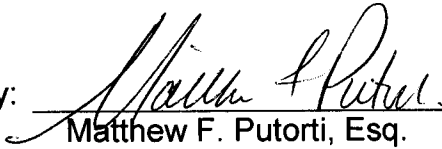
Defendants Country Plaza Associates Inc. d/b/a Cool Fish Restaurant, Tom Schaudel, and Cool Fish Company, Inc. (collectively, "Country Plaza Defendants"), by and through their undersigned attorneys, set forth the following response to Plaintiff AmGaurd Insurance Company's ("AmGuard") Local Civil Rule 56.1 Statement in support of its motion for summary judgment:

1. Admitted.
2. Admitted.
3. Refers to the AmGuard Policies for their contents. Declaration of Matthew F. Putorti, Esq. dated April 4, 2014 ("Putorti Dec."), Exhs. A & B.
4. Admitted that the quoted language appears in the AmGuard Policies as part of the cited sections.
5. Admitted that the quoted language appears in the AmGuard Policies as part of the cited sections.
6. Admitted that the quoted language appears in the AmGuard Policies as part of the cited sections.
7. Admitted that the quoted language appears in the AmGuard Policies as part of the cited sections.
8. Admitted that the quoted language appears in the AmGuard Policies as part of the cited sections.
9. Admitted that the quoted language appears in the AmGuard Policies as part of the cited sections.

10. Admitted Scordo filed suit against the Country Plaza Defendants in July 2013 in the United States District Court for the Eastern District of New York, and refers to the Complaint in the Underlying Action for its contents. Putorti Dec., Exh C.
11. Denied as to AmGuard's characterization of the allegations, and refers to the Complaint in the Underlying Action for its contents. Putorti Dec., Exh C.
12. Admitted that the quoted language appears in the Complaint in the Underlying Action, and refers to the Complaint for its contents.
13. Admitted that the quoted language appears in the Complaint in the Underlying Action, and refers to the Complaint for its contents.
14. Denied as to AmGuard's characterization of the allegations, and refers to the Complaint in the Underlying Action for its contents. Putorti Dec., Exh C.
15. Denied as to AmGuard's characterization of the allegations, and refers to the Complaint in the Underlying Action for its contents. Putorti Dec., Exh C.
16. Admitted that the quoted language appears in the Complaint in the Underlying Action, and refers to the Complaint for its contents.
17. Denied as to AmGuard's characterization, and refers to the Complaint in the Underlying Action for its contents. Putorti Dec., Exh C.
18. Admitted.

19. Admitted, and refers to the cited document for its contents.
20. Denied. Putorti Dec., Exhs. A & B.
21. Denied. Putorti Dec., Exhs. A & B.
22. Admitted, and refers to the cited document for its contents.
23. Admitted, and refers to the cited document for its contents.
24. Denied as to AmGuard's contention that it "has no obligation to defend or indemnify Country Plaza and Schaudel for any such allegations," admitted as to the remaining allegations, and refers to the cited document for its contents. Putorti Dec., Exhs A & B.
25. Admitted.
26. Admitted.
27. Admitted.
28. Admitted that "AmGuard sought leave of the Court to make the instant motion," and denied as to the remaining allegations.

Dated: New York, New York  
April 4, 2014

By:   
Matthew F. Putorti, Esq.  
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New York, New York 10020  
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*Attorneys for Defendants  
Country Plaza Associates Inc. d/b/a  
Cool Fish Restaurant, Tom Schaudel,  
and Cool Fish Company, Inc.*

To: Yale Glazer (YG-1616)

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*Attorneys for Plaintiff*  
*AmGuard Insurance Company*

**Burnside, Eric**

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**From:** ecf\_bounces@nyed.uscourts.gov  
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**U.S. District Court**

**Eastern District of New York**

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**Case Name:** AmGuard Insurance Company v. Country Plaza Associates Inc. et al  
**Case Number:** 2:13-cv-05205-JFB-ARL  
**Filer:** Cool Fish Company, Inc.  
Country Plaza Associates Inc.  
Tom Schaudel

**Document Number:** 28

**Docket Text:**

**REPLY in Opposition re [26] MOTION for Summary Judgment *Defendants Country Plaza, Associates Inc. D/B/A Cool Fish Restaurant's, Tom Schadel's and Cool Fish Company, Inc.'s Response to Plaintiff's Local Civil 56.1 Statement as attachment 1 to Plaintiff's Motion for Summary Judgment* filed by Cool Fish Company, Inc., Country Plaza Associates Inc., Tom Schaudel. (Putorti, Matthew)**

**2:13-cv-05205-JFB-ARL Notice has been electronically mailed to:**

Marci Goldstein Kokalas [mgoldstein@lpgk.com](mailto:mgoldstein@lpgk.com), [mgoldstein@lpgllp.com](mailto:mgoldstein@lpgllp.com)

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